

REMARKS

Status of Claims

Claims 1 and 4-10 are pending, with claim 1 being independent. Claim 1 has been amended to correct informalities in claim language and to more clearly define the intended subject matter. Support for the amendment is found, for example, at FIG. 2 of the present disclosure. Care has been taken to avoid introducing new matter. In view of the following remarks, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

Substance of Interview

Applicants thank the Examiner and his supervisor for their time and courtesy during an interview conducted with the Applicants' representative, Takashi Saito, on November 4, 2009. During the interview, it was argued that the foregoing amendment clarifying that the compressor comprises a generally U-shaped protruding portion having a rounded end portion would overcome the present rejection, with which the Examiners agreed. Further, it was argued that the cited references fail to disclose the claimed oil hole.

Claim Rejection – 35 U.S.C. § 102

Claims 1, 6-8 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Outzen (USP 4,759,693). This rejection is traversed for at least the following reasons.

The Examiner asserts that Outzen discloses the limitations of claim 1. Specifically, the Examiner asserts that elements 17 and 18 of Outzen correspond to the claimed generally U-shaped protruding portion and elements 19 and 20 of Outzen correspond to the claimed generally U-shaped groove. Applicants disagree.

In the Response to the Argument section, the Examiner asserts that the projections 17, 18 of Outzen have corners on one end, and rounded lips that follow the curvature of the tube on the opposite end, thereby forming two U-shaped protruding flanges. Further, the Examiner asserts that a generally U-shaped portion would include a boxy-type U-shape with corners. However, if the rounded end portion (lips) were the claimed generally U-shaped protruding portion, the alleged generally U-shaped protruding portion (i.e., the rounded end portions of 17 and 18) would not be fitted to the generally U-shaped groove provided on the cylinder head. In Outzen, what is fitted to the alleged grooves 19 or 29 is not the rounded end portion (lips) of elements 17 or 18, but the rectangular portion having “corners” of elements 17 or 18.

Nonetheless, Applicants have amended claim 1 to more clearly recite the present subject matter. As such, it is clear that Outzen fails to disclose ***the generally U-shaped protruding portion having a rounded end portion, which is fitted to a rounded portion of the generally U-shaped groove***, as recited by claim 1.

Furthermore, Applicants respectfully submit that the alleged grooves 19 and 20 do not have a generally U-shaped groove, since it is clear that the alleged grooves 19 and 20 do not have any rounded portion. The alleged grooves 19 and 20 are designed to receive the rectangular protrusions having “corners” 17 and 18. As such, it is also clear that Outzen fails to disclose “*a generally U-shaped groove having a rounded portion to which the rounded end portion of the generally U-shaped protruding portion of the flange is fitted*,” as recited by claim 1.

Accordingly, since Outzen fails to disclose the above discussed features of claim 1, claim 1 and all claims dependent thereon are patentable over the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of 1, 6-8 and 10 under 35 U.S.C. § 102(b).

Claim Rejection – 35 U.S.C. § 103

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Outzen in view of Fenocchi et al. (USP 6,464,480). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Outzen in view of Alfano et al. (USP 5,487,648). These rejections are traversed for at least the following reasons.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 102(b) predicated upon Outzen. The additional cited references do not teach or suggest the above discussed features of amended claim 1, from which claims 4-5 and 9 depend, which are missing from Outzen. Therefore, any combination of Outzen with Fenocchi and/or Alfano would still fail to disclose the claimed elements, and it would not have been obvious to add these features to any such combination.

Further, regarding claims 4 and 5, the Examiner asserts that Outzen and Fenocchi disclose an oil hole as recited by claims 4 and 5. However, Applicants respectfully submit that neither Outzen nor Fenocchi discloses that an oil hole is disposed *above the seal portion*, as recited by claim 4. Although the Examiner asserts that Fenocchi discloses allowing oil to lubricate the seal portion, Fenocchi does not disclose that the oil hole is disposed above the seal portion so that oil stored at the bottom of the suction muffler drips from the oil hole onto the seal portion. As such, it is clear that claims 4 and 5 are patentable over the cited references for at least the reasons set forth above in addition to the dependency upon claim 1. Thus, it is respectfully requested that the Examiner withdraw the rejections of 4-5 and 9 under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: November 4, 2009